



Billing Code: 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120403249-2492-02]

RIN 0648-XC437

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic;  
Snapper-Grouper Resources of the South Atlantic; Trip Limit  
Reduction

AGENCY: National Marine Fisheries Service (NMFS), National  
Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; trip limit reduction.

SUMMARY: NMFS reduces the commercial trip limit for golden  
tilefish in the South Atlantic to 300 lb (136 kg), gutted  
weight, per trip in or from the exclusive economic zone (EEZ).  
This trip limit reduction is necessary to protect the South  
Atlantic golden tilefish resource.

DATES: This rule is effective 12:01 a.m., local time, February  
18, 2013, through December 31, 2013, unless changed by  
subsequent notification in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, telephone:  
727-824-5305, or e-mail: [Catherine.Hayslip@noaa.gov](mailto:Catherine.Hayslip@noaa.gov).

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery includes

golden tilefish in the South Atlantic and is managed under the Fishery Management Plan for the Snapper-Grouper Resources of the South Atlantic (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Under 50 CFR 622.44(c)(2), NMFS is required to reduce the trip limit in the commercial sector for golden tilefish from 4,000 lb (1,814 kg) to 300 lb (136 kg) per trip when 75 percent of the fishing year quota is met prior to September 1, by filing a notification to that effect with the Office of the Federal Register. As implemented by the final rule for Regulatory Amendment 12 (77 FR 61295, October 9, 2012), the commercial quota for golden tilefish in the South Atlantic is 541,295 lb (245,527 kg), gutted weight, as specified in 50 CFR 622.42(e)(2). Based on current statistics, NMFS has determined that 75 percent of the available commercial quota of 541,295 lb (245,527 kg), gutted weight, for golden tilefish will be reached on or before February 18, 2013. Accordingly, NMFS is reducing the commercial golden tilefish trip limit to 300 lb (136 kg), gutted weight, in the South Atlantic EEZ from 12:01 a.m., local time, on February 18, 2013, until the quota is reached and the

commercial sector closes, or through December 31, 2013, whichever occurs first.

#### Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of South Atlantic golden tilefish and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.44(c)(2) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirements to provide prior notice and the opportunity for public comment on this temporary rule. Such procedures are unnecessary because the rule itself has already been subject to notice and comment, and all that remains is to notify the public of the trip limit reduction.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect golden tilefish

because the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment for this trip limit reduction would require time and would potentially result in a harvest well in excess of the established quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 et seq.

Dated: February 8, 2013.

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Kara Meckley,  
Acting Deputy Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.

Date: 02/13/2013]